

Article - Family Law

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§5-1402.

(a) Except as provided in subsection (b) of this section, after a trial, a court may terminate the parental rights of a respondent under this subtitle if the court:

(1) determines that the respondent has been served in accordance with the Maryland Rules;

(2) (i) finds that the respondent has been convicted of an act of nonconsensual sexual conduct against the other parent that resulted in the conception of the child at issue in an action under this subtitle; or

(ii) finds by clear and convincing evidence that the respondent committed an act of nonconsensual sexual conduct against the other parent that resulted in the conception of the child at issue in an action under this subtitle; and

(3) finds by clear and convincing evidence that it is in the best interest of the child to terminate the parental rights of the respondent.

(b) The court may not terminate parental rights under subsection (a) of this section if the parents were married at the time of the conception of the child at issue unless:

(1) the respondent has been convicted of an act of nonconsensual sexual conduct against the other parent that resulted in the conception of the child; or

(2) the parents were separated in accordance with a protective order during the time of the conception of the child and have remained separate and apart since the time of conception.

(c) A termination of parental rights under this section terminates completely:

(1) a parent's right to custody of, guardianship of, access to, visitation with, and inheritance from the child; and

(2) a parent's responsibility to support the child, including the responsibility to pay child support.

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